DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed February 18, 2010.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 31, 33-39, 42, 43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,614,126 to Carlson in view of US 5,873,438 to Osterberg et al.

Re-claims 31, 42, 43, 45 and 46, Carlson teaches a car including a braking enhancement device (or stabilizing device) and a braking enhancement device, comprising: a weighty drum supported for movement within a frame. Furthermore, Carlson teaches the known use of weighty drums supported for movement along a axial track. However, Carlson fails to teach the structure recited in the instant claims.

Osterberg et al. teach a stabilizing device supported for movement along an axis. The damper comprising: a supporting frame 112; a front end plate 146, a rear end plate 172, the end plates are fixed to opposing ends of the supporting frame; a guiding axis is defined by the longitudinal direction of the supporting frame; a weighty drum 110 slides along the guiding axis, this will temporarily absorb momentum applied to the damper; a recovery device (such as spring 116) will guide the weighty drum to a predefined position; a buffer device (such as spring elements 156/186) buffer and absorb noise during recovery, the buffer devices are disposed on the rear end plate (and front end plate) independent from and not attached to the weighty drum.

It would have been obvious to one of ordinary skill in the art to have replaced the stabilizing devices of Carlson with the stabilizing device taught by Osterberg et al., since each is considered a functional equivalent aimed at achieving the same result which is to stabilize the motion of an object (in this case a vehicle, thereby enhancing the braking operation), this would have been done in both the longitudinal and lateral directions, and both would have achieved the predictable result of increasing the stabilization of the vehicle during braking thus improving the braking response of the vehicle as well as improving the comfort for the passengers. The predefined positions would have been set in accordance with a desired result.

Re-claim 33, the supporting frame taught by Osterberg et al. is hollow and cylindrical, see figure 3A.

Re-claim 34, the recovery device includes a coil spring 116.

Re-claims 35 and 36, Osterberg et al. fails to teach the recovery device, specifically the biasing element of the recovery device as comprising a pneumatic device or elastic rubber. However, Osterberg et al. do teach a biasing element comprising both a pneumatic device and an elastic rubber, see the buffer device. The buffer device incorporates both a pneumatic device for varying a response, and a bellows for containing the pneumatic pressure. It would have been obvious to one of ordinary skill in the art when having utilized the stabilizing device of Osterberg et al. in place of the stabilizing device of Carlson to have provided the recovery device of Osterberg et al. with a pneumatic device and elastic member as taught by Osterberg et al., thus providing a means of varying the response of the recovery device and the rest position of the weighty drum.

Re-claim 37, the buffer device includes a spring 156 or 186.

Re-claims 38 and 39, the buffer device includes a pneumatic device and elastic rubber, see bellows 150 and 180.

4. Claims 32 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Osterberg et al. as applied to claims 31 and 43 above, and further in view of US 3,596,924 to Watts.

Re-claims 32 and 44, Carlson as modified by Osterberg et al. fail to teach the braking enhancement devices or stabilizers as coupled to an underside of the motorcar. Watts teaches a braking enhancement device (i.e. the stabilizing device helps stabilize the motorcar during stopping) that could be mounted to an underside of the motorcar, see column 2 lines 24-27. It would have been obvious to one of ordinary skill in the art when having utilized the stabilizing device of Osterberg et al. in the motorcar of Carlson to have mounted the stabilizing device to an underside of the motorcar as taught by Watts, thereby eliminating the need to utilize room in the trunk or other passenger area of the motorcar.

5. Claims 40, 41, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Osterberg et al. as applied to claims 31 and 46 above, and further in view of US 4,588,206 to Powers.

Re-claims 40, 41, 47 and 48, Carlson as modified by Osterberg et al. fail to teach the device tilted down, or the tilt being between 1 and 4 degrees. Powers teaches a vehicle stabilizing or buffer device that is situated at an angle relative to the vehicle, thus improving the response of the stabilizing device. It would have been obvious to one of ordinary skill in the art to have angled the stabilizers of Carlson as modified by Osterberrg et al. and as taught by Powers, thus improving the damping response of the stabilizer.

Furthermore, it would have been obvious to one of ordinary skill in the art as a matter of design choice to have chosen the angle best suited for the vehicle in question, including angles between 1 and 4 degrees, and to have biased the weight towards the back of the motorcar when in a rest position, since applicant has not disclosed that having the recited angle or rest position solves any stated problem or is for any particular purpose and it appears that the braking buffer of Carlson as modified by Osterberg et al. would have performed equally well at an angle of between 1 and 4 degrees as well as having the rest position of the weight towards the rear of the vehicle.

Response to Arguments

6. Applicant's arguments with respect to claims 31-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osterberg et al. and Hamilton each teach damping devices, wherein a buffer device is not attached to the weight element.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

April 20, 2010

/Thomas J. Williams/
Primary Examiner, Art Unit 3657